

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) Case No. 3:20-CR-024
)
JUSTIN MASSENGILL)

ORDER

On December 17, 2020, United States Magistrate Judge C. Clifford Shirley conducted a change of plea hearing and filed a Report and Recommendation (“R&R”) recommending: (1) that the Court find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice; (2) that the defendant’s plea of guilty to the charge in Count Three, and to the lesser included offense of Count One, of the indictment be accepted; (3) that the defendant be found guilty of those charges; (4) that a decision on whether to accept the plea agreement be deferred until sentencing; and (5) that the defendant remain in custody until his sentencing hearing. [Doc. 122]. No objections have been filed to the R&R, and the time for doing so has now passed. *See* Fed. R. Crim. P. 59(b)(2).

The Court has thoroughly reviewed the R&R. Having done so, Magistrate Judge Shirley’s R&R [Doc. 122] is **ACCEPTED** and **ADOPTED** in full.

Pursuant to 28 U.S.C. § 636(b)(1), it is **ORDERED** that:

1. The plea hearing conducted in this case on December 17, 2020, could not have been further delayed without serious harm to the interests of justice;

2. The defendant's plea of guilty to the lesser included offense of Count One of the indictment, that is, of knowingly conspiring to distribute five grams or more of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846, and to Count Three of the indictment, that is, of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), is **ACCEPTED**;

3. The defendant is **ADJUDGED** guilty of Count Three and the lesser included offense of Count One of the indictment;

4. The decision whether to accept the parties' plea agreement is **DEFERRED** until sentencing; and

5. The defendant shall remain in custody until sentencing, which is scheduled to take place on **Thursday, April 15, 2021, at 10:00 a.m.** in Knoxville.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge